

FORM TO BE USED BY A PRISONER FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

FILED \_\_\_\_\_ ENTERED \_\_\_\_\_  
LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_

APR 17 2013

Wayne Boone # 357-769  
14100 Mcmullen Hwy. SW  
CUMBERLAND, MD 21502

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
BY [Signature] DEPUTY

(Full name, prison identification  
number and address of the plaintiff)

v.

Civil Action No. DKC-13-  
(Leave blank on initial filing to be filled in by Court.)

Bobby P. SHEARIN. WARDEN.  
M. STALLINGS. OFFICER.  
J. TART. OFFICER.  
MURRAY. S.A. OFFICER.  
K. CORTEZ. NURSE.  
NORTH BRANCH CORRECTIONAL  
14100 Mcmullen Hwy.  
CUMBERLAND, MD 21502  
(Full name and address of the defendant(s))

COMPLAINT

I. Previous lawsuits

A. Have you filed other cases in state or federal court dealing with the same facts as in this case or against the same defendants?

YES ☐ NO ☒

B. If you answered YES, describe that case(s) in the spaces below.

1. Parties to the other case(s):

Plaintiff: \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court (if a federal court name the district; if a state court name the city or county): \_\_\_\_\_
3. Case No.: \_\_\_\_\_
4. Date filed: \_\_\_\_\_
5. Name of judge that handled the case: \_\_\_\_\_
6. Disposition (won, dismissed, still pending, on appeal): \_\_\_\_\_  
\_\_\_\_\_
7. Date of disposition: \_\_\_\_\_

## II. Administrative proceedings

- A. If you are a prisoner, did you file a grievance as required by the prison's administrative remedy procedures?

YES ☒ NO ☐

1. If you answered YES:

a. What was the result? Dismissed FOR PROCEDURAL  
REASONS.

- b. Did you appeal?

YES ☒ NO ☐

2. If you answered NO to either of the questions above, explain why:

\_\_\_\_\_  
\_\_\_\_\_

**III. Statement of claim**

(Briefly state the facts of your case. Include dates, times, and places. Describe what each defendant did or how he/she is involved. If you are making a number of related claims, number and explain each claim in a separate paragraph.)

SEE ATTACHED SHEET

**IV. Relief**

(State briefly what you want the Court to do for you.)

SEE ATTACHED SHEET

SIGNED THIS 11 day of, April 2013.

Melissa Bee  
(original signature of plaintiff)

14100 Mcmullen Hwy  
Cumby, MO, MO 6502

(address of plaintiff)

On December 17<sup>th</sup> 2012, at 12:45 p.m., the plaintiff was escorted to the medical room by Defendant J. TART (OFFICER), to be evaluated for chest pains.

Defendants M. Stallings (OFFICER) and Kristi Cortez (Nurse) were in the room having a conversation. The plaintiff sat on the medical bed for several minutes while the conversing continued. Finally the plaintiff interrupted. He asked Defendant Cortez was she going to do her job. In response Defendant Cortez told the plaintiff to shut up. The plaintiff then referred to Defendant Cortez as a bitch.

After the exchange with Defendant Cortez, the plaintiff attempted to leave the room. Defendant M. Stallings placed himself in the doorway physically blocking the plaintiff's exit. He told the plaintiff to cuff up.

When the plaintiff questioned why, Defendant M. Stallings pulled his pepper spray fogger from his belt and then threatened to spray the plaintiff. The plaintiff turned around and placed his hands behind his back. Defendant M. Stallings came up behind him. Instead of placing handcuffs on the plaintiff he grabbed him.

The plaintiff felt threatened and tried to pull his arm away. Defendant J. TART slamed him to the ground. Once he was on the



"Continued"

grand Defendant M. Stallings punched and kicked him repeatedly about the body. Defendant J. TART used his knee to ram the Plaintiff's Rib Area. He then placed handcuffs on the Plaintiff.

The Plaintiff was lying on the ground handcuffed, when Defendant MURRAY S.A. used the nozzle of his pepper spray fogger to poke the Plaintiff in his left eye. He then pepper sprayed the Plaintiff in his face.

The Plaintiff suffered broken blood vessels in his left eye and an abrasion to the cornea. He suffered a cut under his eye. The left eye was swollen shut. He suffered a cut on the right elbow. and bruises all over his body including a boot print. He continues to have blurred vision and pain in his left eye.

Defendants K. Cortez, M. Stallings and Calvin Jones attempted to cover up the incident by falsifying Reports. Defendant Calvin Jones also omitted parts of video footage of the incident. The video will show that ~~the~~ the Plaintiff did nothing to warrant being kicked, punched and maced. The Defendants did this to the Plaintiff because he referred to K. Cortez as a bitch.

## Relief

1. Plaintiff seeks compensatory damages in the amount of \$ 50,000. Against defendants M. Stallings, MURRAY S.A and J. TART. Plaintiff seeks these damages against each defendant.
2. Plaintiff seeks punitive damages in the amount of \$ 50,000. Against defendants M. Stallings MURRAY S.A and J. TART. Plaintiff seeks these damages against each defendant.
3. Plaintiff seeks punitive damages in the amount of \$ 20,000. Against defendants K. Cortez and Calvin Jones. Plaintiff seeks these damages against each defendant.
4. A preliminary and permanent injunction ordering defendant Bobby Shearin to remove the defendants involved or transfer the Plaintiff to another inst. of same security.
5. Any Attorney Fees and Recovery costs in this suit.
6. Any Relief the Court deems Just.